



**SOUTH AFRICAN
FOOTBALL ASSOCIATION**

SAFA REGULATIONS

Ethics, Fair Play and Anti-Corruption

Approved by
the SAFA National Executive Committee
19 July 2013



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1. INTRODUCTION

The South African Football Association has legal mandate to be the custodian of football in the country. The pursuit of this mandate can however be threatened by unethical conduct and acts of corruption in football. In order to mitigate this risk, the Association needs to have a clear anti corruption policy which should be implemented in a consistent and manner. This policy seeks to introduce the main elements of the Association's efforts to promote ethical conduct and combat corruption.

The anti corruption policy should be implemented in conjunction with other existing and similar initiatives of the Association such as internal controls, code of conduct, code of ethics and whistle blowing policy. The policy will also form the basis of the scope of the Ethics, Fair Play, Safety & Security and Protocol Committee.

The Association is a member of COSAFA, CAF and FIFA. As such, the relevant disciplinary, ethics and judicial codes of these bodies shall be applicable to Members of the Association and all other persons bound by this policy.

2. OBJECTIVES OF THE POLICY

The specific objectives of this anti-corruption strategy are:

- 2.1 To create a policy and institutional framework to promote ethical conduct and fight corruption and fraud within the Association;
- 2.2 To fight fraud and corruption in football in all its forms, through prevention, investigation and sanction;
- 2.3 To identify common strategic priorities in combating corruption in the South African Football Association;
- 2.4 To promote and reinforce good governance within the Association;
- 2.5 To promote ethical conduct within the Association;
- 2.6 To strengthen compliance and enforcement of regulatory mechanisms and accountability within the Association.

3. LEGISLATIVE AND REGULATORY FRAMEWORK

- 3.1 Combating and prevention of corrupt activities act 12 of 2004
- 3.2 Protected disclosures act 26 of 2000
- 3.3 Whistle Blowing Policy
- 3.4 SAFA Statutes
- 3.5 SAFA Code Of Conduct
- 3.6 CAF Disciplinary Code
- 3.7 FIFA Code of Ethics
- 3.8 SAFA Code of Ethics
- 3.9 SAFA Vision and Mission of SAFA

4. SCOPE OF APPLICABILITY

4.1 Scope

This policy, together shall apply to conduct that damages the integrity and reputation of football and in particular to illegal, immoral, corrupt and unethical behaviour. The policy focuses on general conduct within association football that has little or no connection with action on the field of play as this is regulated by Laws of the Game.

4.2 Ethics, Fair Play, Safety & Security and Protocol Committee

Article 53 of the SAFA Statutes stipulates that:

The Committee for Ethics and Fair Play shall consist of the chairperson, a deputy chairperson and no more than ten (10) members and shall be responsible for the following:

- 53.1 dealing with everything relating to ethics in football and the promotion of fair play;*
- 53.2 drafting policies to promote Ethics and fair-play;*
- 53.3 monitoring all activities of SAFA;*
- 53.4 submitting regular reports to the NEC.*

As such, the Committee shall be responsible for hearing all matters related to ethical conduct in the Association.

4.3 Persons Covered

This Policy shall apply to all staff members, club officials and players, Members and Associate Members who are bound by this Policy from the day of its approval by the National Executive Committee of SAFA.

5. ETHICS AND THE CODE OF CONDUCT

The words ethos and ethics are closely related but they can be defined separately as follows:

5.1 Ethics

Ethical behaviour can be summarized as behaviour that considers not only what is good for oneself but also considers what is good for others. Ethics can also be referred to as our value systems which makes us who we are or the moral values which people learn from

parents. Behaving ethically often amounts to being able to choose the correct decision or course of action when faced with a number of conflicting alternatives.

5.1.1 Extract from Preamble of the FIFA Code of Ethics:

FIFA bears a special responsibility to safeguard the integrity and reputation of football worldwide.

FIFA is constantly striving to protect the image of football, and especially that of FIFA, from jeopardy or harm as a result of illegal, immoral or unethical methods and practices. In this connection, the following Code reflects the principles of the FIFA Code of Conduct, which defines the most important core values for behaviour and conduct within FIFA as well as with external parties.

The conduct of persons bound by this Code shall reflect the fact that they support the principles and objectives of FIFA, the confederations, associations, leagues and clubs in every way and refrain from anything that could be harmful to these aims and objectives.

They shall respect the significance of their allegiance to FIFA, the confederations, associations, leagues and clubs, and represent them and behave towards them honestly, worthily, respectably and with integrity. They shall further respect the core value of fair play in every aspect of their functions.

They shall assume social and environmental responsibility.

5.2 Ethos

Ethos refers to the characteristics of a culture, community or organisation that is perceived and understood through its attitudes and actions.

5.3 Ethos in SAFA

- 5.3.1 SAFA has a specific ethos which is by and large, based on the spirit Fair Play. SAFA, just like football itself, requires a high work ethic, a quest for excellence, efficiency, team work and fair play.
- 5.3.2 It is expected from the Association's Members, employees and managers to display the level of ethics or morality on a professional level as required by its code of conduct
- 5.3.3 The Code of Conduct seeks to direct the behaviour of Members and the Disciplinary Code of Conduct goes further to state that non compliance with the Code of Conduct constitutes a transgression.
- 5.3.4 The SAFA Constitution, statutes, rules and regulations as well as Vision and Mission seek to establish and reinforce a professional ethos.

- 5.3.5 The development of Anti-Corruption strategy, whistle blowing policy, the capacity to investigate and prosecute those who transgress by being involved in corrupt activities further seek to enforce this professional ethos by ensuring that those Members who cannot or will not form part of a professional ethos by serving with integrity are identified and where appropriate, expelled from all forms of the game.
- 5.3.6 The Association needs to establish a strong internal investigative capacity. Investigative capacity can also be outsourced to specialised agencies or individuals. Such entities should however report to the Chief Executive Officer and operationally, to the HOD: Safety and Security. Government security agencies should also be requested to provide specialised services where required.
- 5.3.7 The Code of Conduct should not be a document that we only use when an official transgresses, but should be a living document that all Members embrace and conduct themselves to. The Administration must ensure that all Members are familiar with Code of Conduct, understands it, and subscribe to it.

5.4 SAFA's Core Values which supports the Code of Conduct

- 1. Integrity
- 2. Fair Play
- 3. Respect
- 4. High Work Ethic
- 5. Dedication and commitment
- 6. Efficiency
- 7. Accountability
- 8. Equity

6. SOME FUNDAMENTAL ETHICAL STANDARDS

6.1 Why should there be standards of ethics?

- a. To ensure that all Members of the Association are aware of the basic values cherished by the Association
- b. To ensure accountability within the Association in terms of fundamental ethical values and value systems.

6.2 Fundamental ethical standards

- a. Absolute integrity
- b. A culture of honesty
- c. Loyalty
- d. Professionalism
- e. Acceptance of responsibility and accountability
- f. A positive public image
- g. Confidence from the public and partners

- h. Striving for and maintaining credibility
- i. High standards of service delivery
- j. Sense of pride in the SAFA brand
- k. Sanctioning bad and rewarding good behaviour

7. HOW TO MAKE AN ETHICAL DECISION

In order to make an ethical decision, the following six questions can be asked:

- a. Is the act legal and consistent with the Association's policy?
- b. Is it in line with the Association's constitution, mission, vision and objectives?
- c. Is it the proper thing to do?
- d. What will the outcome be for the Association, football in general, my colleagues and Members of the Association?
- e. Can I justify my action?
- f. Would the act stand up to public scrutiny?

Key elements of fraud:

- a. Misrepresentation / deceit
- b. Unlawfulness
- c. Intention

8. THE FRAUD TRIAD

Forces that come to play before a person commits fraud.

8.1 Opportunities:

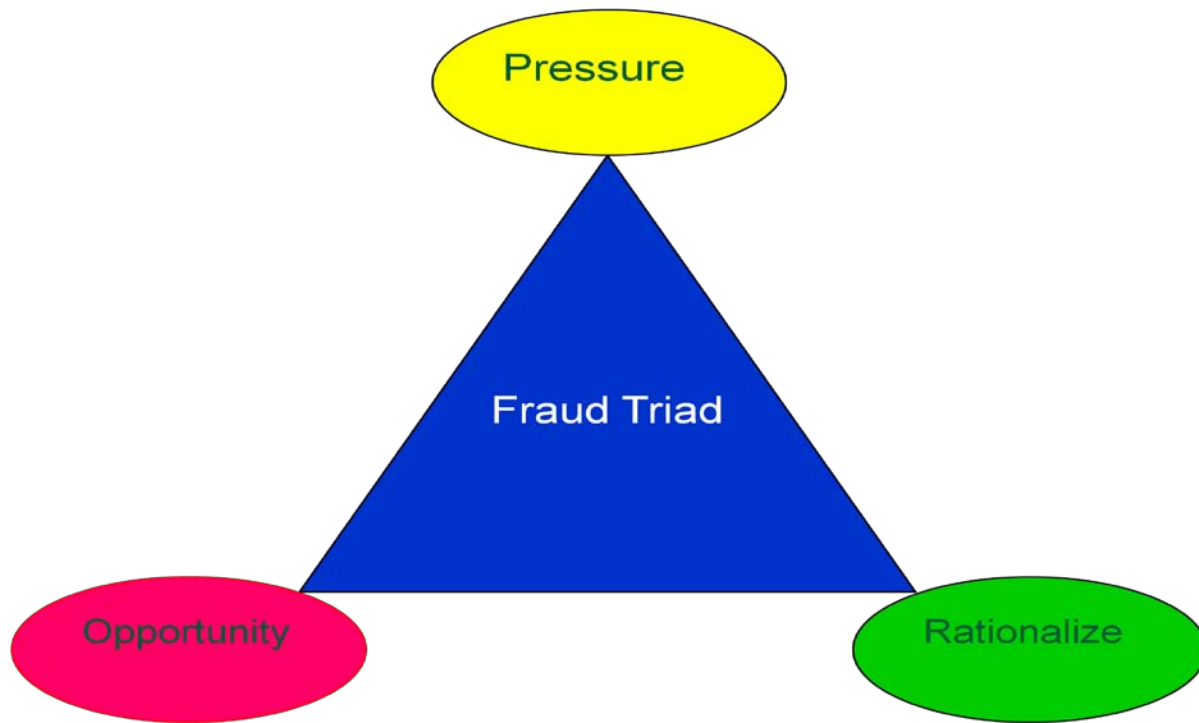
- a. Position of power or influence in the Club, LFA, Region, Province or NEC
- b. At Head Office: access to passwords, poor reconciliations, lack of supervision and control, access to budgets meant for specific matches, events or projects, poor audit trails.

8.2 Rationalize:

- a. I deserve to be rewarded more; the Association can afford it, the offence will never be detected, it's just one LFA or department in a big organization, it's in the best financial or career interests of the player(s).

8.3 Pressure:

- a. Relegation / promotion, financial, bribes



9. CLASH OF INTERESTS

- 9.1 Conflicts of interest arise if persons bound by this policy have, or appear to have, private or personal interests that detract from their ability to perform their duties with integrity in an independent and purposeful manner. Private or personal interests include gaining any possible advantage for the persons bound by this policy themselves, their family, relatives, friends and acquaintances.
- 9.2 Persons bound by this policy shall avoid any situation that could lead to conflicts of interest. When performing an activity for SAFA or before being elected or appointed, persons bound by this policy shall disclose any personal interests that could be linked with their prospective activities.
- 9.3 Persons bound by this policy may not perform their duties in cases with an existing or potential conflict of interest. Any such conflict shall be immediately disclosed and notified to the organisation for which the person bound by this policy performs his duties.
- 9.4. If an objection is made concerning an existing or potential conflict of interest of a person bound by this policy, it shall be reported immediately to the Association and the organisation for which the person bound by this policy performs his duties for appropriate measures.
- 9.5 The signing of declaration of forms must be done on an annual basis by all persons bound by this policy.

10. PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT NO.12 OF 2004

10.1 Section 3: General Offence of Corruption

Any person who, directly or indirectly –

- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or
- (b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person,

in order to act, personally or by influencing another person so to act, in a manner-

- (i) that amounts to-
 - (aa) illegal, dishonest, unauthorized, incomplete, or biased; or
 - (bb) misuse or selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;
- (ii) that amounts to-
 - (aa) the abuse of a position of authority;
 - (bb) a breach of trust; or
 - (cc) the violation of a legal duty or a set of rules;
- (iii) designed to achieve an unjustified result; or
- (iv) that amounts to any other unauthorized or improper inducement to do or not to do anything,

10.2 Impact of Corruption in Football

- 10.2.1 It compromises the integrity of the sport
- 10.2.2 It undermines the core value of fair play
- 10.2.3 It can damage the reputation of the Association if it goes unabated
- 10.2.4 It can demoralise hard working players, officials and staff members if they believe that it is rampant and unabated

11. ETHICS AND ANTI CORRUPTION POLICY STATEMENT

11.1 Approach

The Ethics and Anti-corruption policy will follow a five pronged approach which consists of the following:

11.1.1 Promotion of ethical conduct in line with the FIFA and SAFA Codes of Ethics

11.1.2 Prevention and awareness

11.1.3 Investigation

11.1.4 Sanctioning

11.1.5 Establishment of an independent anti corruption body

11.2 Prevention/Awareness

11.2.1 Fraud Prevention & Anti-corruption practices

11.2.2 Zero tolerance to fraud and corruption

11.2.3 Obligation to report suspicious behavior

11.2.4 Whistle blowing policy

11.2.5 Independent 24- hour anti corruption hotline

11.3 Detection

11.3.1 The Association shall strengthen or create capacity to investigate and prosecute corruption, theft and fraud within its ranks

11.3.2 The Association shall, where necessary, also request relevant government authorities to commission lifestyle and trend analysis reports whenever there are sufficient grounds to suspect corruption or inappropriate behaviour on the part any of its Members.

11.4 Other detection measures are:

a. Internal checking and controls

b. Internal audit

c. Polygraph tests

d. Regularity inspections

e. Security of passwords

f. Exchange of electronic exchange where the official account is used

g. Management review

h. Forensic Data Analysis

i. Whistle blowing

j. Outside information

Through consistent and effective supervision, inspections and audits, compliance with policies and procedures can be ensured. Internal control measures must at all times be adhered to. It is the only way by which management can ensure compliance. Compliance in itself contributes to the prevention of corruption, as it minimizes the opportunities that might be created to commit fraud etc.

Risk management is used to identify areas where the biggest security, reputation and operational risks for the Association exist. By identifying these risks, internal control measures can be evaluated to ensure that no systemic gaps exist through which fraud, corruption etc. can take place.

11.5 Sanction

11.5.1 The Human Resources and Legal Services Departments are responsible to decide on charges against an official based on complaints received.

Breaches of the SAFA Disciplinary Code or FIFA Code of Ethics or any other FIFA rules and regulations by persons

bound by this policy are punishable by one or more of the following sanctions:

- a) Warning
- b) Reprimand
- c) Fine
- d) Return of awards
- e) Match suspension
- f) Ban from dressing rooms and/or substitutes' bench
- g) Ban on entering a stadium
- h) Ban on taking part in any football-related activity
- i) Referral to the appropriate law enforcement agencies

11.5.2 The relevant specifications in relation to sanction in the SAFA, CAF and FIFA Disciplinary Codes shall also apply.

12. FAIR PLAY

12.1 Fair play is one of the most fundamental pillars of sport. The Association shall endeavour to promote fair play in all its matches, events and daily operations. The Association will also actively support campaigns to promote fair play.

13. INDEPENDENT ANTI CORRUPTION COMMISSION

- 13.1 The Association shall establish an Independent Anti Corruption Commission in line with its good governance objectives and to give effect to the recommendations of the Semenya Commission.
- 13.2 The purpose of the Commission shall be the following:
- a. To receive reports on progress with regards to prevention of corruption and implementation of good governance practices within the Association.
 - b. To record trends in relation to investigations of allegations of impropriety against Members of the Association.
 - c. To offer advice on systems and processes that need to be put in place to combat corruption and improve good governance practices within the Association.
- 13.3 The Commission will not replace structures established by the NEC to oversee and reinforce good governance practices. Its terms of reference shall also be different from structures like the Audit and Risk Committee and the Standing Committee on Ethics, Security, Fair Play and Protocol. Its distinctive character will be the fact that it is made up of independent individuals.
- 13.4 Members of the Commission will be selected from individuals who are not affiliated to any structure of the Association.
- 13.5 The Commission will comprise eight (8) individuals from the legal fraternity, retired and current administrators from sport federations as well as individuals with proven expertise in corporate good governance practises.
- 13.6 The Commission shall meet at least twice a year to receive reports in respect of investigations, sanctions, action on whistleblowing reports as well as good governance practices.
- 13.7 Members of the Commission will be nominated by the CEO for consideration by the Standing Committee on Ethics, Security, Fair Play and Protocol. The Standing Committee will then submit the names to the NEC for approval.
- 13.8 The Commission will appoint its Chairperson during its first seating.
- 13.9 Members of the Commission shall not be remunerated for serving in the Commission but will be reimbursed for travel and / or any costs incurred in the course of executing their functions.

- 13.10 The Association shall nominate one staff member from the Administration to serve as secretariat to the Commission.
- 13.11 The HOD: Safety and Security shall be the nodal person for liaison between the Commission and the Association.
- 13.12 The Commission shall be a permanent structure but the duration of each term will be three years.
- 13.13 The process of establishing the Commission should commence within thirty (30) days of the approval of its establishment by the NEC.

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KIRSTEN NEMATANDANI
PRESIDENT

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DENNIS A. MUMBLE
CHIEF EXECUTIVE OFFICER / GS

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DATE